

MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1st STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

ZONING HEARING NOTICE

PRESORTED
FIRST CLASS



Z2004000067 BCC 1020
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

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33128



MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE: HOWEVER, OBJECTIONS OR WAIVERS OF OBJECTION MAY BE MADE IN PERSON AT HEARING OR FILED IN WRITING PRIOR TO HEARING DATE. IT IS RECOMMENDED THAT SAME BE MAILED AT LEAST FIVE DAYS (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS) BEFORE HEARING DATE. REFER TO HEARING NUMBER ON CORRESPONDENCE AND MAIL SAME TO MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING AGENDA COORDINATOR, 111 NW 1 STREET, SUITE 1110, MIAMI FLORIDA 33128-1974. FOR FURTHER INFORMATION, PLEASE CALL (305) 271-1242 AND DIRECT DIAL: 1-4-1-6 OR FOR SPANISH: 2-4-1-6 PAUSING BETWEEN NUMBERS. IF YOUR ARE IN NEED OF A TRANSLATOR, FOR THIS MEETING, ONE CAN BE PROVIDED FOR YOU AT NO CHARGE. PLEASE CALL (305) 375-1244 AT LEAST TWO WEEKS IN ADVANCE OF THE MEETING DATE.

HEARING NUMBER: 04-067
APPLICANT NAME: BMS OJUS, LLC

***** COURTESY NOTICE *****
THE FEBRUARY 17, 2005 MEETING WAS CANCELLED THIS
ITEM HAS BEEN RESCHEDULED TO FEBRUARY 24, 2005.

OJUS HOMEOWNERS' ASSOCIATION, INC. IS APPEALING
THE COMMUNITY ZONING APPEALS BOARD #2 DECISION
ON BMS OJUS, L.L.C. WHICH APPROVED THE FOLLOWING:

THE APPLICANT IS REQUESTING ZONE CHANGES FROM
MINIMUM APARTMENT HOUSE DISTRICT AND LIGHT
INDUSTRIAL MANUFACTURING DISTRICT TO LIGHT
INDUSTRIAL MANUFACTURING DISTRICT IN A PORTION OF
THE PROPERTY, AND A ZONE CHANGE FROM MINIMUM
APARTMENT HOUSE DISTRICT TO SPECIAL BUSINESS
DISTRICT ON ANOTHER PORTION OF THE PROPERTY.
LOCATION: THE NORTHWEST CORNER OF NE 195 STREET
& WEST DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 2.57 ACRES

HEARING WILL BE HELD IN THE DADE
MIAMI-DADE COUNTY-STEPHEN P. CLARK CTR
BOARD OF COUNTY COMMISSIONERS
COUNTY COMMISSION CHAMBERS, 2ND FLOOR
111 NW 1ST. STREET
MIAMI-DADE COUNTY, FLORIDA

COUNTY COMMISSION
DATE 02/24/2005
THURSDAY
TIME 9:30 AM

Z2004000067 BCC 1020
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

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This notice is to advise you that a zoning hearing application has been filed with the Miami-Dade County Department of Planning, and Zoning which may be of interest to you and your immediate neighborhood. The name of the applicant, what is being requested, and the location of the property that would be affected are contained in the inside of this mailer. The following information is provided to assist you in determining if you want to participate in the zoning hearing process.

- YOU are entitled to attend and to speak at the zoning hearing.
- YOU may submit written letters or petitions in favor of, or opposing this hearing.
- YOUR testimony along with county departmental recommendations and other evidence presented at the hearing will assist the zoning board in making its decision.
- YOU are entitled to discuss the application with the professional county staff members that are reviewing the application prior to the hearing.
- YOU cannot, however, in accordance with a court ruling, contact a County Commissioner, or Community Zoning Appeals Board member, individually, either orally or in writing, about the application outside of the public hearing.
- YOU will know of the zoning board's decision at the hearing unless this case is deferred by the board to another hearing date.
- YOU may appeal any zoning decision if your name appears in the official record of the case. However, citizens who wish to APPEAL a zoning decision should be aware of the following:
 - Decisions of all Community Zoning Appeals Boards will become final unless appealed by an aggrieved party.
 - Appeals from Community Zoning Appeals Boards are either to the Board of County Commissioners or to Circuit Court, depending on the type of application.

APPEALS FROM COMMUNITY ZONING APPEALS BOARD TO BOARD OF COUNTY COMMISSIONERS

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APPEALS FROM BOARD OF COUNTY COMMISSIONERS AND COMMUNITY ZONING APPEALS BOARDS TO CIRCUIT COURT

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PLEASE NOTE THAT THE APPLICATION MAY CHANGE DURING THE HEARING PROCESS.

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MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1st STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

ZONING HEARING NOTICE

PRESORTED
FIRST CLASS



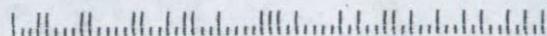
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
111 N.W. 1st STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

TIME 9:30 AM

Z2004000067 BCC 1019
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

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33128



MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

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HEARING NUMBER: 04-067
APPLICANT NAME: BMS OJUS, LLC

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LOCATION: THE NORTHWEST CORNER OF NE 195 STREET
& WEST DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.
SIZE OF PROPERTY: 2.57 ACRES

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BOARD OF COUNTY COMMISSIONERS
COUNTY COMMISSION CHAMBERS, 2ND FLOOR
111 NW 1ST. STREET
MIAMI-DADE COUNTY, FLORIDA

COUNTY COMMISSION
DATE 02/17/2005
THURSDAY
TIME 9:30 AM

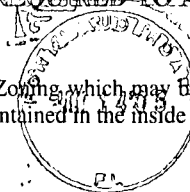
Z2004000067 BCC 1019
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
ZONING HEARING SECTION
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MIAMI, FLORIDA 33128-1974

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PRECEDENT
FIRST CLASS



PB MIAMI
7145083 U.S. POSTAGE

- YOU are entitled to attend and to speak at the zoning hearing.
- YOU may submit written letters or petitions in favor of, or opposing this hearing.
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MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1st STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

ZONING HEARING NOTICE

PRESORTED
FIRST CLASS



Z2004000067 C02 1019
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

33128+1974 71



MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

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HEARING NUMBER: 04-067
APPLICANT NAME: BMS DJUS, LLC

THE APPLICANT IS REQUESTING ZONE CHANGES FROM MINIMUM APARTMENT HOUSE DISTRICT AND LIGHT INDUSTRIAL MANUFACTURING DISTRICT TO LIGHT INDUSTRIAL MANUFACTURING DISTRICT IN A PORTION OF THE PROPERTY, AND A ZONE CHANGE FROM MINIMUM APARTMENT HOUSE DISTRICT TO SPECIAL BUSINESS DISTRICT ON ANOTHER PORTION OF THE PROPERTY.

LOCATION: THE NORTHWEST CORNER OF NE 195 STREET & WEST DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 2.57 ACRES

HEARING WILL BE HELD AT THE
HIGHLAND OAKS MIDDLE SCHOOL
2375 NE 203 STREET
NORTH MIAMI BEACH, FLORIDA 33180

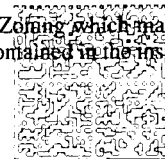
COMMUNITY ZONING APPEALS BOARD
DATE 10/05/2004
TUESDAY
TIME 7:00 PM

Z2004000067 C02 1019
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

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UNITED STATES POSTAGE

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SEP 0004

MAILED FROM ZIP CODE 3312

- **YOU** are entitled to attend and to speak at the zoning hearing.
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MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING AND ZONING
111 N.W. 1st STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

ZONING HEARING NOTICE

PRESORTED
FIRST CLASS



Z2004000067 C02 1018
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
ZONING HEARING SECTION
111 N.W. 1 STREET SUITE 1110
MIAMI, FLORIDA 33128-1974

33128+1923 71



MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

HEARING NUMBER: 04-067
APPLICANT NAME: TRINITY PROPERTIES OF AVENTURA

THE APPLICANT IS REQUESTING ZONE CHANGES FROM
MINIMUM APARTMENT HOUSE TO LIGHT INDUSTRIAL
MANUFACTURING DISTRICT AND SPECIAL BUSINESS
DISTRICT.

LOCATION: THE NORTHWEST CORNER OF N.E. 195 STREET
& WEST DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 1.24 ACRES

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SPANISH: 2-4-1-6 PAUSING BETWEEN NUMBERS. IF YOU ARE IN NEED OF A TRANSLATOR, FOR
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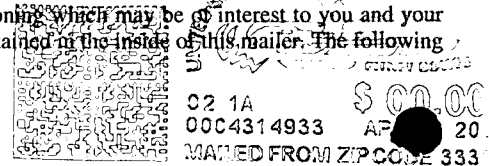
THIS IS A PRELIMINARY
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SPECIFIC INFORMATION
WILL BE SENT TO YOU.

Z2004000067 C02 1018
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING
ZONING HEARING SECTION
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MIAMI, FLORIDA 33128-1974

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HEARING NO. 04-10-CZ2-2 (04-67)

3-52-42
BCC
Comm. Dist. 4

APPLICANT: BMS OJUS L. L. C.

OJUS HOMEOWNERS' ASSOCIATION, INC. is appealing the decision of COMMUNITY ZONING APPEALS BOARD #2 on BMS OJUS L. L. C. which approved the following:

(1) RU-3M & IU-1 to IU-1

REQUEST #1 ON PARCEL I

(2) RU-3M to BU-2

REQUEST #2 ON PARCEL II

SUBJECT PROPERTY: PARCEL I: The south 155' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' and south 10' thereof and also less the external area of a 25' radius circular curve concave to the Northwest and being tangent to the east line of said Tract "A" and tangent to the north line of the south 10' of Tract "A". AND: PARCEL II: The north 155' of the south 310' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' thereof.

LOCATION: The Northwest corner of N.E. 195 Street & West Dixie Highway, Miami-Dade County, Florida.

SIZE OF PROPERTY: 2.57 Acres

RU-3M (Minimum Apartment House 12.9 units/net acre)

IU-1 (Industry – Light)

BU-2 (Business – Liberal)

HEARING NO. 04-10-CZ2-2 (04-67)

3-52-42
Council Area 2
Comm. Dist. 4

APPLICANT: BMS OJUS L. L. C.

(1) RU-3M & IU-1 to IU-1

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RU-3M (Minimum Apartment House 12.9 units/net acre)
IU-1 (Industry – Light)
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✓

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING



HEARING NUMBER: Z2004000067

BOARD: C02

LOCATION OF SIGN: THE NORTHWEST CORNER OF N.E. 195 STREET & WEST
DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.

Miami Dade County, Florida

Date of Posting: 13-SEP-04

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE:

PRINT NAME:

FELIX ACOSTA

PHOTOGRAPH OF SIGN POSTED FOR ZONING HEARING



HEARING NUMBER: Z2004000067

BOARD: BCC

LOCATION OF SIGN: THE NORTHWEST CORNER OF N.E. 195 STREET & WEST
DIXIE HIGHWAY, MIAMI-DADE COUNTY, FLORIDA.

Miami Dade County, Florida

Date of Posting: 01-FEB-05

This is to certify that the above photograph is true and correct and that the sign concerning a Zoning Hearing application was posted as indicated above.

SIGNATURE:

PRINT NAME:

FELIX ACOSTA

BCC

BCC

AFFIDAVIT FOR MAILING OF FINAL NOTICES

RE: HEARING No.

04-67

HEARING DATE

2/24/05

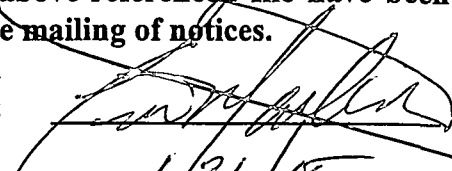
I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

- ☐ 500'
☒ 1/2 mile
☐ 1 mile

minimum radius of the property described in the above-referenced file have been input into the computer system prior to the deadline for the mailing of notices.

Signature:

Date:


1/31/05

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were delivered to the mail room for postmarking and mailing.

Signature: _____

Date: _____

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices for the aforementioned file were received from the Zoning Agenda Coordinator's office and postmarked for delivery through the US Postal Service.

Signature:

Date:


2/2/05

AFFIDAVIT FOR MAILING OF FINAL NOTICES

RE: HEARING No. 04-67 HEARING DATE 10/5/04
C-2

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

- ☐ 500'
- ☒ 1/2 mile
- ☐ 1 mile

minimum radius of the property described in the above-referenced file have been input into the computer system prior to the deadline for the mailing of notices.

Signature: [Signature]
Date: 9/1/04

I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were delivered to the mail room for postmarking and mailing.

Signature: [Signature]
Date: 9/1/04

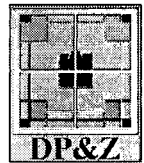
I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices for the aforementioned file were received from the Zoning Agenda Coordinator's office and postmarked for delivery through the US Postal Service.

Signature: [Signature]
Date: 9/1/04

C-2



Miami-Dade County
Department of Planning and Zoning



AFFIDAVIT FOR MAILING OR PRELIMINARY NOTICES

C-2

Re: HEARING No. Z2004000067

I, as the undersigned individual, do hereby affirm by my signature and date that all of the property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll as updated within

✓ 1/2 mile

minimum radius of the property described in the above-referenced file have been input into the computer system prior to the deadline for the mailing of notices.

Signature:

Eric Martinez

Date:

03/09/04

.....
I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices corresponding to the property owners as hereby referenced were delivered to the mail room for postmarking and mailing.

Signature:

ADRIANA GUERRA

Date:

04/06/04

.....
I, as the undersigned individual, do hereby affirm that on the dated referenced below, the notices for the aforementioned file were received from the Zoning Agenda Coordinator's office and postmarked for delivery through the US Postal Service.

Signature:

Date:

04/06/04

.....
To be retained in Hearing File

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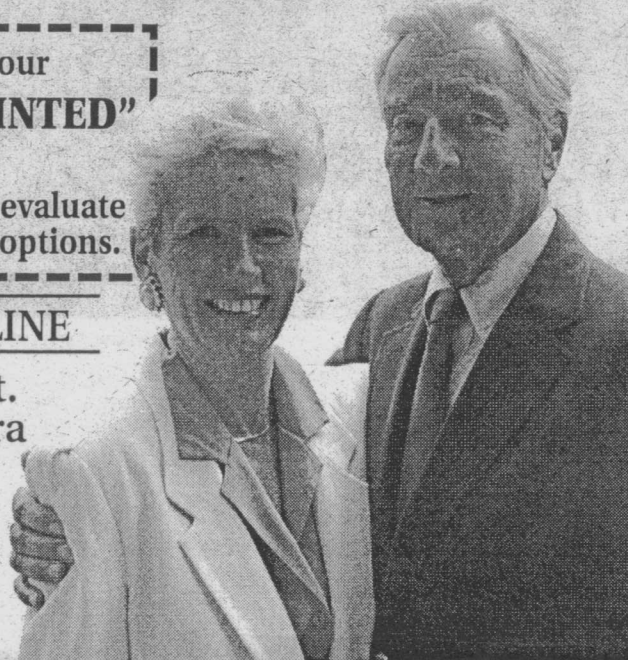
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ZONING HEARING

BOARD OF COUNTY COMMISSIONERS
THURSDAY, FEBRUARY 24, 2005 - 9:30 a.m.
COMMISSION CHAMBERS - 2nd Floor
STEPHEN P. CLARK CENTER
111 NW 1 STREET, MIAMI, FLORIDA

COURTESY NOTICE

The February 17, 2005 meeting was cancelled.
The item below was rescheduled to February 24, 2005.

The list below contains zoning items which may be of interest to your immediate neighborhood.

1. BMS OJUS L.L.C. (04-87)

Location: The northwest corner of NE 195 Street & West Dixie Highway, Miami-Dade County, Florida (2.57 Acres).

Ojus Homeowners' Association, Inc. is appealing the decision of Community Zoning Appeals Board #2 on BMS Ojus L.L.C. which approved the following:
The applicant is requesting zone changes from minimum apartment house district and light industrial manufacturing district to light industrial manufacturing district in a portion of the property, and a zone change from minimum apartment house district to special business district, on another portion of the property.

Multiple members of individual community councils may be present.
All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to contact a Board member individually, either orally or in writing, about zoning applications. Those items not heard prior to the ending time for this meeting, will be deferred to the next available zoning hearing meeting date for this Board.

Registration is available to any Homeowner's Association desiring that notice be provided to its president on zoning hearings involving its area of interest. For more information on this registration procedure, please call (305) 375-2565. If you are in need of a translator at the Hearing, one can be provided for you at no charge. To arrange for translating service, please call the Zoning Agenda Coordinator's Office at (305) 375-1244 at least two weeks in advance of the meeting date.

Maps and other data pertaining to these items are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING, 11th Floor, 111 NW First Street, Miami, Florida. If further information is desired, call (305) 375-2640, Hearing Section. Please refer to the hearing number when making an inquiry. Miami-Dade County provides equal access an equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. For material in alternate format, a sign language interpreter or other accommodations, please call (305) 375-1244 at least five days in advance.

* A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at this meeting or hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based five days in advance.

BCE
2-24-05

Public Notices & Hearings

COURTESY NOTICE

The February 17, 2005 meeting was cancelled and the items rescheduled for February 24, 2005.
MIAMI-DADE COUNTY, FLORIDA

LEGAL NOTICE

THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS will hold a Public Hearing on the following items on Thursday, the 24th day of February, 2005 at 9:30 a.m. in the County Commission Chambers, 2nd Floor, Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida. Said hearing is being held to consider the application hereinafter listed for Development of Regional Impact in the Unincorporated area of Miami-Dade County, Florida. The Board of County Commissioners RESERVES THE RIGHT to modify the applications, to impose desirable, reasonable conditions, and to change the minimum cubic content requirements, all for the best interest of the overall comprehensive zoning plan and regulations.

Multiple members of individual community councils may be present.

All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to contact a Board member individually, either orally or in writing, about zoning applications.

Those items not heard prior to the ending time for this meeting, will be deferred to the next available zoning hearing meeting date for this Board.

If you are in need of a translator at the Hearing, one can be provided for you at no charge. To arrange for translating service, please call the Zoning Agenda Coordinator's Office at (305) 375-1244 at least two weeks in advance of the meeting date.

Maps and other data are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING, 11th Floor, 111 NW First Street, Miami, Florida. Protest & Waivers of Protest should be filed IN WRITING at least three days prior to the hearing date, giving the number of the hearing. If further information is desired, call (305) 375-2840; Hearing Section. Please refer to the hearing number when making an inquiry.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. For material in alternate format, a sign language interpreter or other accommodations, please call (305) 375-1244 at least five days in advance.

HEARING NO. 03-12-CZ15-2 (03-262)

APPLICANT: SUMMERVILLE DEVELOPMENT, INC.

THE FARM, INC. & MANUEL DORTA DUQUE are appealing Requests #1, #2, #3 & #6 of the decision of Community Zoning Appeals Board #15 on SUMMERVILLE DEVELOPMENT, INC. which approved in part, the following:

- (1) AU to BU-1
 - (2) Applicant is requesting to permit a residential and commercial development setback 20' (25' required) from the front (west) property line, setback 12' from the rear (east) property line and setback 15' from the side street (south) property (25' required from all property lines).
 - (3) Applicant is requesting to waive the 5' high decorative masonry wall required along the east property line for the business lot where it abuts a residential district.
 - (4) Applicant is requesting to permit the residential/commercial development with a residential floor area covering 73% (50% maximum permitted).
 - (5) Applicant is requesting to permit 3 stories (2 stories permitted)
- REQUESTS #1 - #5 ON EXHIBIT "A"
- (6) AU to RU-3M
 - (7) Applicant is requesting to permit the RU-3M lot with a frontage of 81' (100' required).
 - (8) UNUSUAL USE to permit parking in a zone more restrictive (RU-3M) than the use it serves is located (BU-1).

REQUESTS #6 - #8 ON EXHIBIT "B"

- (9) UNUSUAL USE to permit a gated entrance feature.

REQUEST #9 ON EXHIBITS "A" & "B"

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #5 may be considered under §33-311(A)(16) (Alternative Site Development Option for the BU Zoning District) and request #7 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple Family Use) or requests #2 through #5 and 7 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Summersville Town Center," as prepared by Corwell Architects, Inc., dated 5/4/04 and consisting of 6 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: OVERALL PROPERTY: Commence at the Southeast corner of Section 24, Township 56 South, Range 39 East; thence N1°4'14"E, for 65.03'; thence N89°03'18"W, for 40' to the Point of beginning; thence N1°4'14"E, for 266.39'; thence N89°01'53"W, for 790.84'; thence S01°11'31"W, for 266.36'; thence S89°03'18"E, for 790.27' to the Point of beginning. **EXHIBIT "A":** The south ½ of the SW¼ of the SW¼ of the SW¼ of Section 19, Township 56 South, Range 40 East, less the south 65' and less the west 40' thereof, AND: The west 88' of the SW¼ of the SE ¼ of the SW¼ of the SW¼ of Section 19, Township 56 South, Range 40 East, less the south 65' thereof for road. **EXHIBIT "B":** Commence at the Southeast corner of Section 24, Township 56 South, Range 39 East; thence N1°4'14"E, for 65.03'; thence N89°03'18"W, for 40' to the Point of beginning; thence N1°4'14"E, for 266.39'; thence N89°01'53"W, for 790.84'; thence S01°11'31"W, for 266.36'; thence S89°03'18"E, for 790.27' to the Point of beginning. **LESS AND EXCEPT:** The south ½ of the SW¼ of the SW¼ of the SW¼ of Section 19, Township 56 South, Range 40 East, less the south 65' and less the west 40' thereof, AND: The west 88' of the SW¼ of the SE ¼ of the SW¼ of the SW¼ of Section 19, Township 56 South, Range 40 East, less the south 65' thereof for road.

LOCATION: 24751 S.W. 117 Avenue, Miami-Dade County, Florida.

HEARING NO. 04-10-CZ2-2 (04-67)

APPLICANT: BMS OJUS L. L. C.

OJUS HOMEOWNERS' ASSOCIATION, INC. is appealing the decision of COMMUNITY ZONING APPEALS BOARD #2 on BMS OJUS L. L. C. which approved the following:

- (1) RU-3M & IU-1 to IU-1

REQUEST #1 ON PARCEL 1

- (2) RU-3M to BU-2

REQUEST #2 ON PARCEL 11

SUBJECT PROPERTY: PARCEL 11: The south 155' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 58, less the west 115' and south 10' thereof and also less the external area of a 25' radius circular curve concave to the Northwest and being tangent to the east line of said Tract "A" and tangent to the north line of the south 10' of Tract "A". AND: **PARCEL 11:** The north 155' of the south 310' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 58, less the west 115' thereof.

LOCATION: The Northwest corner of N.E. 195 Street & West Dixie Highway, Miami-Dade County, Florida.

In accordance with Sections 33-313, 314, and 315 of the Code of Miami-Dade County, all Board of County Commissioners' decisions are subject to review by the Circuit Court of Appeals upon appeal when filed with the Clerk of the Court at Miami-Dade County Court House, Appellate Division, 73 West Flagler, Room 135 - Balcony, Miami, FL 33130, within 30 days from the date of transmittal of the resolution to the Clerk of the Board.

A person who decides to appeal any decision made by the Community Zoning Appeals Board with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Publication of this Notice on the 2 day of February 2005.

2/2

05-3-24/518923M

ORDER TO SHOW CAUSE - NOTICE

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY, FLORIDA CASE NO. 0501304 CA03 SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government organized and existing under the laws of the State of Florida, Plaintiff,

v. THE STATE OF FLORIDA, AND THE TAXPAYERS, PROPERTY OWNERS AND CITIZENS OF SUMMERVILLE COMMUNITY DEVELOPMENT DISTRICT, INCLUDING NON-RESIDENTS OWNING PROPERTY OR SUBJECT TO TAXATION THEREIN, AND OTHERS HAVING OR CLAIMING ANY RIGHTS, TITLE OR INTEREST IN PROPERTY TO BE AFFECTED BY THE ISSUANCE OF THE BONDS HEREIN DESCRIBED, OR TO BE AFFECTED IN ANY WAY THEREBY, Defendants.

TO: The State of Florida and the several taxpayers, property owners and citizens of Summerville Community Development District, including non-residents owning property or subject to taxation therein, and others having or claiming any rights, title or interest in property to be affected by the issuance of not to exceed \$4,500,000 aggregate principal amount of Summerville Community Development District (Miami-Dade County, Florida) Special Assessment Bonds, or to be affected in any way thereby;

The above cause comes to be heard upon the Complaint filed herein by Summerville Community Development District in the County of Miami-Dade and State of Florida, seeking to determine the authority of said District to issue Summerville Community Development District (Miami-Dade County, Florida) Special Assessment Bonds, in an aggregate principal amount not to exceed \$4,500,000 (the "Bonds"), to determine the legality of the proceedings had and taken in connection therewith, and the legality of the provisions, covenants and agreements therein contained; and seeking a judgment of this Court that: (a) the District has been validly established and lawfully exists as a community development district under the Act (as defined in the Complaint) and is an independent special district within the meaning of Chapter 189, Florida Statutes; (b) the District has the power to plan, finance, acquire, construct, reconstruct, equip, install, own, operate, maintain and provide, in one or more stages, the Project (as defined in the Complaint) for the use and benefit of the existing and future residents of the District as set forth in the Complaint, which use and benefit is a lawful and valid pur-

pose; (c) the members of the District Board (as defined in the Complaint) have been duly and validly elected or appointed as such in compliance with all requirements of the Constitution and laws of the State of Florida and the decisions of the courts with respect thereto and of the Act and the Ordinance (as defined in the Complaint); (d) the District has power to issue the Bonds and to incur the bonded debt as set forth in the Complaint and has properly approved the issuance of the Bonds for a lawful purpose; (e) the District has the power and authority to levy the Special Assessments (as defined in the Complaint) pursuant to the Act, Chapter 170, Florida Statutes, Chapter 197, Florida Statutes, and other applicable law in annual installments not exceeding thirty (30) years to secure the Bonds; has the power and authority to pledge such Special Assessments and the Pledged Revenues (as defined in the Complaint) and monies on deposit from time to time to secure the Bonds; and has exercised all such power and authority legally, validly, and properly, and for a lawful purpose as set forth in the Complaint, such that they are validly pledged for payment of the Bonds; (f) the District has duly authorized the Master Trust Indenture (as defined in the Complaint) and the Trustee (as defined in the Complaint) is qualified under the applicable law such that, upon execution of the Master Trust Indenture by the District and the Trustee, the Pledged Revenues will be validly pledged to payment of the Bonds; (g) the proceedings essential to the Bonds, the Pledged Revenues, including, without limitation, the Special Assessments pledged for the payment of the principal thereof, redemption premium, if any, and interest thereon, and the Bond Resolution (as defined in the Complaint) are valid and in conformity with law; (h) upon due issuance of the Bonds in conformance with the Bond Resolution and the Master Trust Indenture, the Bonds will constitute valid and binding obligations of the District and will be enforceable by their terms as established by the Bond Resolution and the Master Trust Indenture; (i) the Special Assessments are valid and constitute a first lien on the properties against which they are assessed coequal with all State of Florida, County, school district and municipal taxes, superior in dignity to all other liens, titles and claims on such real property; (j) this Court grant such other relief as is just and appropriate. The aforesaid Complaint having been presented to this Court, and this Court being fully advised in the premises:

IT IS ORDERED AND ADJUDGED that the State of Florida, through the State Attorney of the Eleventh Judicial Circuit, in and for Miami-Dade County, Florida, and the several taxpayers, property

owners and citizens of Summerville Community Development District, including non-residents owning property or subject to taxation therein, and others having or claiming any rights, title or interest in property to be affected by the issuance of the Bonds or to be affected thereby, be and they are each required to show cause if any there be, before the Honorable Stuart M. Simons, Circuit Court Judge, on the 1st day of March, 2005 at 11:30 a.m. at the Miami-Dade County Courthouse in the City of Miami, Florida, why said Complaint should not be granted and a final judgment entered by this Court as prayed for in said Complaint.

AND IT IS FURTHER ORDERED AND ADJUDGED, that the Clerk of this Court be and he is hereby required to give notice of such hearing by publishing a copy of this Order in a newspaper of general circulation of Miami-Dade County, Florida, once each week for two (2) consecutive weeks, the first publication to be at least twenty (20) days prior to said hearing date.

AND IT IS FURTHER ORDERED AND ADJUDGED, that by such publication of this Order, the State of Florida, and the several taxpayers, property owners and citizens of Summerville Community Development District, including non-residents owning property or subject to taxation therein, and others having or claiming any rights, title or interest in Summerville Community Development District, or the taxable property therein, shall be and are made party defendants to this proceeding, and that this Court shall have jurisdiction of them to the same extent as if specifically and personally named as defendants in said Complaint and personally served with process in this cause.


DONE AND ORDERED in Miami, Florida, this 19th day of January, 2005.

/s/ Stuart M. Simons
Circuit Court Judge
Judge Stuart M. Simons
2/2-9 05-4-05/518765M

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C-2 10-5-04

ZONING HEARING	
	COMMUNITY ZONING APPEALS BOARD - 2 Tuesday, October 5, 2004 - 7:00 p.m. HIGHLAND OAKS MIDDLE SCHOOL Auditorium 2375 NE 203 Street, North Miami Beach, Florida
The list below contains zoning items which may be of interest to your immediate neighborhood.	
1. <u>MIGUEL R. MAGDALENA (02-194)</u>	
Location: 19108 NE 26 Avenue (West Dixie Highway), Miami-Dade County, Florida (5,000 sq. ft.).	
The applicant is requesting to permit a commercial building setback to be less than required from property line & with a greater lot coverage than permitted. Also requesting to permit no trees or shrubs and no parking spaces where they are required, and an accompanying request, on this site.	
2. <u>BMS OJUS LLC (04-67)</u>	
Location: The northwest corner of NE 195 Street & West Dixie Highway, Miami-Dade County, Florida (2.57 Acres).	
The applicant is requesting zone changes from minimum apartment house district and light industrial manufacturing district to light industrial manufacturing district in a portion of the property, and a zone change from minimum apartment house district to special business district on another portion of the property.	
3. <u>EPARCHY OF PASSAIC NJNFP, CORP. (04-234)</u>	
Location: 1475 NE 199 Street, Miami-Dade County, Florida (5 Acres more or less).	
The applicant is requesting a modification of a conditions of previously approved resolutions to allow the applicant to revise the plans to develop a senior community center, an unusual use to permit the center in conjunction with a religious facility, to permit less trees, shrubs, landscape buffer, and parking spaces than required. Also requesting to permit accompanying requests, on this site.	
Multiple members of individual community councils may be present.	
All persons are entitled to attend and to speak at zoning hearings. However, the courts have ruled that it is improper to contact a Board member individually, either orally or in writing, about zoning applications.	
Those items not heard prior to the ending time for this meeting, will be deferred to the next available zoning hearing meeting date for this Board.	
Registration is available to any Homeowner's Association desiring that notice be provided to its president on zoning hearings involving its area of interest. For more information on this registration procedure, please call (305) 375-2565.	
If you are in need of a translator at the Hearing, one can be provided for you at no charge. To arrange for translating service, please call the Zoning Agenda Coordinator's Office at (305) 375-1244 at least two weeks in advance of the meeting date.	
Maps and other data pertaining to these items are available for inspection at the MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING, 11th Floor, 111 NW First Street, Miami, Florida. If further information is desired, call (305) 375-2640, Hearing Section. Please refer to the hearing number when making an inquiry.	
Miami-Dade County provides equal access an equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. For material in alternate format, a sign language interpreter or other accommodations, please call (305) 375-1244 at least five days in advance.	
* A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at this meeting or hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based five days in advance.	

Public Notices & Hearings

HEARING NO. 04-10-CZ2-2 (04-67)

APPLICANT: BMS OJUS L. L. C.

(1) RU-3M & IU-1 to IU-1

REQUEST #1 ON PARCEL I

(2) RU-3M to BU-2

REQUEST #2 ON PARCEL II

SUBJECT PROPERTY: PARCEL I: The south 155' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' and south 10' thereof and also less the external area of a 25' radius circular curve concave to the Northwest and being tangent to the east line of said Tract "A" and tangent to the north line of the south 10' of Tract "A". AND: PARCEL II: The north 155' of the south 310' of Tract "A", SECOND REVISED PLAT OF AMENDED PLAT OF ALL OF BLOCKS 1 AND 2 L. TOMS' SUBDIVISION, Plat book 42, Page 56, less the west 115' thereof.

LOCATION: The Northwest corner of N.E. 195 Street & West Dixie Highway, Miami-Dade County, Florida.

HEARING NO. 04-10-CZ2-3 (04-234)

APPLICANT: EPARCHY OF PASSAIC NJNFP CORP.

(1) MODIFICATION of Condition #3 of Resolution 3-ZAB-451-67, and further modified by Resolution 4-ZAB-15-75, passed and adopted by the Zoning Appeals Board, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that plan submitted for the hearing as prepared by HDW Houdaille, a division of Houdelle Industries, Inc. entitled 'St. Basil's Catholic Church Building Program,' and dated 10/5/74."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that plan submitted for the hearing entitled 'St. Basil's Catholic Church Senior Community Center,' as prepared by Catalyst Design Group, Inc., dated 4/2/04 and consisting of 7 sheets."

The purpose of the request is to allow the applicant to revise the plans to develop a senior community center.

- (2) UNUSUAL USE to permit a senior community center in conjunction with a religious facility.
- (3) Applicant is requesting to permit a parking lot within 25' of property under different ownership to the west zoned RU or EU where it's not separated by a hedge or wall (not permitted).
- (4) Applicant is requesting to permit 101 parking spaces (144 parking spaces required).
- (5) Applicant is requesting to permit a building of public assemblage with an interior side setback of 69'3" (75' required)
- (6) Applicant is requesting to permit 40 trees (45 required).
- (7) Applicant is requesting to permit 400 shrubs (450 required).
- (8) Applicant is requesting to permit a 3' landscape buffer (5' required) along the interior side (west) property line where abutting a dissimilar land use.

Upon a demonstration that the applicable standards have been satisfied, approval of request #1 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing) and requests #3 - #8 may be considered under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: The east ½ of the SW ¼ of the SW ¼ of Section 32, Township 51 South, Range 42 East, less the south 35' thereof.

LOCATION: 1475 N.E. 199 Street, Miami-Dade County, Florida.

In accordance with Sections 33-313, 314, and 316 of the Code of Miami-Dade County, Community Zoning Appeals Board decisions are appealable to the Board of County Commissioners or to the Circuit Court of Appeals. Appeals to the Board of County Commissioners must be made within 14 days of the day of posting of the results of the hearing on a form prescribed by the Department of Planning and Zoning. Appeals that are subject to the Circuit Court of Appeals must be filed with the Clerk of the Court at Miami-Dade County Court House, Appellate Division, 73 West Flagler, Room 135 - Balcony, Miami, FL 33130, within 30 days from the date of transmittal of the resolution to the Clerk of the Board.

A person who decides to appeal any decision made by the Community Zoning Appeals Board with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Publication of this Notice on the 14 day of September 2004.